

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JULIE PIERCE,

Plaintiff,

vs.

Civil Action No. 2:12-cv-12497-PJD-MKM

NATIONSTAR MORTGAGE LLC AS
ASSIGNEE OF FEDERAL NATIONAL
MORTGAGE ASSOCIATION AND
FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Hon. Patrick J. Duggan (presiding)

Hon. Mona K. Majzoub (referral)

Defendants.

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**STIPULATED ORDER FOR STAY AND NO EVICTION PENDING DEFENDANTS'
REVIEW OF PLAINTIFF FOR A LOAN MODIFICATION**

Pursuant to the stipulation of the parties evidenced by their attorneys' signatures below, and for the purpose of outlining the terms by which the Defendants will consider Plaintiff's eligibility for a loan modification as a potential means to resolve this matter early and amicably:

IT IS HEREBY ORDERED:

1. This Order expressly amends and supersedes the terms of the parties' January 12, 2012 Stipulation and Order to Dismiss entered in Oakland County Circuit Court Case No. 11-

118249-CZ (the “State Court Action”) [**Document Number: 9**], as well as any and all prior stipulations entered in the State Court Action concerning the property, foreclosure, and/or the subject matter of this Order.

2. This case, including the disposition of Defendants’ motion to dismiss (Docket Entry No. 3, the “Motion”) and Plaintiff’s obligation to respond to the Motion, shall be stayed pending Defendants’ review of Plaintiff for a loan modification in accordance with the terms of paragraph 3 below and further order of this Court.
3. Defendants have agreed to review Plaintiff for a loan modification pursuant to the Home Affordable Modification Program in accordance with the following terms:
 - (a) Within thirty (30) days following the Court’s entry of this Order, the Plaintiff, through her counsel, will provide Defendants’ counsel with a completed loan modification review package (the “Application”) [**Document Number: 10**], including all supporting documents. In addition to providing a completed Application within thirty (30) days following the Court’s entry of this Order, Plaintiff agrees to provide the Defendants with any additional materials requested by Defendants within thirty (30) days of her counsel’s receipt of any written request for additional information. All materials requested should be submitted by Plaintiff’s counsel to Defendants’ counsel, Matthew Mitchell, Dykema Gossett PLLC, 39577 Woodward Avenue, Suite 300, Bloomfield Hills, Michigan 48304.
 - (b) If Plaintiff fails to cooperate with Defendants’ requests for information, including by failing to meet the deadlines set forth in this Order, Plaintiff’s Application shall be deemed abandoned and this Order will be of no further force or effect. Defendants, through counsel, shall notify Plaintiff’s counsel in writing in the event Defendants deem Plaintiff’s Application abandoned due to her failure to cooperate and provide requested information.
 - (c) Upon completion of their review, Defendants, through counsel, shall notify Plaintiff’s counsel in writing whether Plaintiff’s Application for a loan modification has been approved or denied.
 - (d) If Plaintiff’s Application is approved and the Defendants agree to modify Plaintiff’s loan, the parties shall notify the Court and shall cooperate to execute documents to effectuate the settlement, including but not limited to a stipulated order of dismissal with prejudice, a loan modification agreement, and a confidential settlement agreement.

- (e) If Plaintiff's Application is denied or deemed abandoned in accordance with the terms of subparagraph 3(b) above, the parties shall notify the Court of that fact and shall submit a stipulated order lifting the stay of the case and setting reasonable briefing deadlines with respect to the Motion.
4. Defendants shall not initiate or continue prosecuting any eviction proceedings against Plaintiff and/or the property located at 412 Lyon Court, South Lyon, MI 48178 while Plaintiff's loan modification Application is pending. In the event that Plaintiff's Application for a loan modification is denied or deemed abandoned, the Defendants reserve their rights to institute or continue prosecuting eviction proceedings or take any other action permitted by the parties' contract or law with respect to the property. Plaintiff retains the right to challenge any such action by the Defendants by motion.
5. Nothing in this Order shall be construed as a promise by Defendants that Plaintiff's loan modification Application will be granted or approved, or an admission by Defendants that any relief Plaintiff seeks in her Complaint is appropriate. Plaintiff agrees that the Defendants' decision respecting her loan modification Application in accordance with the terms of this Order shall be non-reviewable, and that decision shall not give rise to any liability on the part of the Defendants.

SO ORDERED.

s/Patrick J. Duggan
Patrick J. Duggan
United States District Judge

Dated: September 18, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on Tuesday, September 18, 2012, by electronic and or ordinary mail.

s/Marilyn Orem
Case Manager

Stipulations:

/s/ Philip J. Weipert (w/consent)

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/s/ J. Robert Langan (w/consent)

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/s/ Matthew Mitchell

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